

COMMENTS RECEIVED BY MAIL (45)

June 1 to July 10, 2001

*For privacy reasons, the names and identifying descriptions of people and organizations (other than the organization writing the letter) have been removed from these comments. Otherwise, the comments are listed here exactly as they were received by DNR. They have not been edited by DNR in any way (including for grammar, spelling, and typographical errors). The letters appear in the approximate order received. **The first sentence of each commentary is listed.***

- #1 1. There should be differentiation between definition of live-aboards in marinas (public or private) and live-aboards who drop anchor in an unmonitored harbor. [Click for full letter.](#)
- #2 1. Amend WAC 332-30-115(4) to provide an exception for Fourth Class Towns to permit single family residences as a secondary use in harbor areas [Click for full letter.](#)
- #3 As Chairman of The Liveaboard Association of Puget Sound, we represent many thousands of live aboard boaters in the State of Washington. [Click for full letter.](#)
- #4 I am a commercial fisherman and boat builder that has lived on numerous boats both anchored out and at private docks in Eagle Harbor periodically for 25 years.
[Click for full letter.](#)
- #5 PLEASE DEFINE OR ILLUSTRATE THE LOCATION OF “AQUATIC LANDS ACROSS TH STATE” MANAGED BY THE DNR? [Click for full letter.](#)
- #6 I would like to make the following input to this process. [Click for full letter.](#)
- #7 Please note that liveaboards provide uncompensated security for marina facilities. [Click for full letter.](#)
- #8 I do think there should be some restrictions on the number of liveaboards in Eagle Harbor, where they can moore, so others can navigate the harbor, and that they should be pumping their sewage not dumping it in the bay. [Click for full letter.](#)
- #9 My wife and I currently reside aboard our 42’ powerboat in Lake Union.
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- #10 Live-aboards should not be allowed to anchor in Eagle Harbor.
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- #11 Live-aboards should not be allowed to anchor in Eagle Harbor.
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- #12 Types of residential uses to be allowed on state aquatic lands:
[Click for full letter.](#)
- #13 1.Residential use of State owned lands falls into many categories:
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- #14 1.Floating homes on barges or floats, live-aboards, and houseboats should be defined as “resident vessels.” [Click for full letter.](#)
- #15 LIVE-ABOARDS? [Click for full letter.](#)
- #16 I have enclosed a letter I wrote to State Representative [person] A little over a year ago. [Click for full letter.](#)
- #17 As a resident of Bainbridge Island, I believe the time has come to institute regulations that will govern living conditions of the so called “Live - Aboard’s” that reside in our community (on public waters). [Click for full letter.](#)
- #18 We attend the DNR June 20th 2001 meeting in Mount Vernon, Wa on “Rules for Residential Uses” [Click for full letter.](#)
- #19 Live aboards belong in Marina, not in navigable waterways.. [Click for full letter.](#)
- #20 There are several points I wish to make regarding the Residential Uses of State Owned Aquatic Lands. [Click for full letter.](#)
- #21 I do want to continue residential use of state owned aquatic lands. I also want DNR to have rules in place with regard to building codes, sewage disposal, electrical installations. I want the DNR to enforce these rules also. Too many current Lessee’s are trashing the environment. [Click for full letter.](#)
- #22 Live aboards belong in marinas. [Click for full letter.](#)
- #23 1) 99% of boat live aboards are above average in concerns about the environment, especially the waterways as they are our “front yards” [Click for full letter.](#)
- #24 WDNR must relax the allowed number of marinas. [Click for full letter.](#)
- #25 I believe Bainbridge Island has conscientiously addressed its responsibility to provide public facilities for the use of the community. inappropriately. Our harbor should be returned for the pleasure of many for short term visitants and various water activities for our community. [Click for full letter.](#)
- #26 Stae owned aquatic lands such as harbors should be mandated as property for equal use and enjoyment for all people, like a state park. [Click for full letter.](#)
- #27 We have lived on land adjoining Eagle Harbor since 1931, at that time we didn’t have a live-aboard like today. [Click for full letter.](#)

- #28 I have owned boats moored at [marina] and Eagle Harbor since 1972 and have lived aboard for the past two years. [Click for full letter.](#)
- #29 Residential use should be limited to dock side/marina use with adequate on site pump out facilities. [Click for full letter.](#)
- #30 I have followed the issue of live-aboards on Eagle Harbor, Bainbridge Island for many years. [Click for full letter.](#)
- #31 I don't approve of long term leases for liveaboards over aquatic lands. [Click for full letter.](#)
- #32 I would hope that Eagle Harbor will continue to be a beautiful place for boaters (and land lubbers) to enjoy their access to the water. [Click for full letter.](#)
- #33 Please! No "Anchor-Out" live aboards in any waters of Washington, especially Eagle Harbor. It has been against the law. [Click for full letter.](#)
- #34 Live aboards should be in marinas where there are pump out stations available. [Click for full letter.](#)
- #35 I'm a livaboard [Click for full letter.](#)
- #36 Thank you for the opportunity to provide input into the State's rule making process. [Click for full letter.](#)
- #37 My comments are short, but nonetheless, I would like to express my opinion on the messy situation in Eagle Harbor with the "liveaboard" population. [Click for full letter.](#)
- #38 [letter to Bainbridge Island City Council and Harbor Commission, copied to DNR] [Click for full letter.](#)
- #39 I am writing this letter in response to the issues you have outlined regarding residential use of state-owned aquatic lands. [Click for full letter.](#)
- #40 To expand upon my remark at the May 24th public workshop I think the department efforts to define and regulate the uses we make of our boats is a intrusion into our personal freedoms, a unnecessary exercise in police power. [Click for full letter.](#)
- #41 From concerned resident Bainbridge Island short of being able to attend and learn more through interaction with pothers which I would prefer over trying to express through writing from this disconnected place at my desk at home. [Click for full letter.](#)
- #42 [Person] asked me for a copy of my May 15th presentation to the Harbor Commission. [Click for full letter.](#)
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#43 Among the things you might consider with specific reference to residential use of vessels anchored or moored on state lands outside of established marinas are., [Click for full letter.](#)

#44 Thank you for taking an interest in this issue. [Click for full letter.](#)

#45 [Letter to Senator Betti L. Sheldon and Representative Phil Rockefeller, copied to DNR] [Click for full letter.](#)

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FULL TEXT OF COMMENTS RECEIVED BY MAIL

June 1 to July 10, 2001

For privacy reasons, the names and identifying descriptions of people and third-party organizations (other than the organization writing the letter) have been removed from these comments. Otherwise, the comments are listed here exactly as they were received by DNR, and have not been edited by DNR in any way (including for grammar and spelling). The letters are listed in the approximate order received.

Letter #1

1. There should be differentiation between definition of live-aboards in marinas (public or private) and live-aboards who drop anchor in an unmonitored harbor.
2. In regards to kinds of residential uses I totally believe there should be some sort of public hearing process to establish a zoning program where certain areas in particular harbors/rivers/open water are allowed to have liveaboards to help monitor/regulate liveaboards in public waters. Marinas would fall under an allowable zone for liveaboards since this area is regulated to some degree. Thank you for providing this public venue.

Letter #2

1. Amend WAC 332-30-115(4) to provide an exception for Fourth Class Towns to permit single family residences as a secondary use in harbor areas. The thrust is to permit apartments above shops in the historic commercial zone.
2. Please persuade DOE to use the same terminology regarding water dependent, non-water dependent, water-oriented uses. DOE should abandon "water related."
3. Allow liveaboards in harbor areas, but limit this use to boats only. No houseboats, no boatels, no house barges. Keep WAC 332-30-130 applicable to liveaboards.
4. Let local jurisdiction have more power in determining uses in their harbor areas. Grant the Town management authority over it harbor areas.

Letter #3

As Chairman of The Liveaboard Association of Puget Sound, we represent many thousands of live aboard boaters in the State of Washington.

We would like to officially go on record favoring the continuation of a lifestyle that is representative of living in Washington State, and The Puget Sound in particular, that being the matter of living on board our vessel within the waters of Washington State. This request is particularly of note, since many of us live on board our vessels at marinas who have leases with the Department of Natural Resources over State Aquatic Lands.

Many thousands of people have chosen this lifestyle which has been enjoyed by many for over 100 years. Living on the water in our chosen vessel is as much a part of the history of Seattle and Washington as seagulls and tug boats. To lessen this opportunity would not only be infringing on the public's rights, but placing a serious burden on an already housing short market. It would also seriously threaten the well being and economic viability of many businesses, both directly tied to the marine environment, as well as those who value our economic blessings in other neighborhood business endeavors.

To those who are not aware, live aboard boaters use less than 1/10th of the electricity than a comparable apartment or house. We also use less than 1/10th of the water than a comparable apartment or house.

We are the stewards of the waterways in which we live, many times offering assistance to out of town or out of state boaters who have their vessels tied next to or near our own. We have served as help in times of storm, fire or other emergencies. In some cases, serving as the rescue to those in peril.

To have any arm of Government consider us other than "water-dependent" is at the very least, purely ridiculous. We know of no boat that is built for other than water. Many National, International and local boat manufacturers so note in their literature the "liveaboard qualities" of their vessels.

All responsible live aboard boaters have their vessels "pumped", either by commercial black water businesses, or do it themselves. We are by proof, much more concerned with the environment and purity of the water than those who live on land. We can offer proof of our efforts by showing copies of what we pay each month for this service. You know, and we know of those on land who dump pure raw sewage into the waters of Washington.

We are not guilty of this practice and encourage your testing to determine the real guilty parties. There are already laws in effect to protect the environment from those responsible for damages to our eco system. Enforce those laws. We do not need further laws from the DNR to further impair the liveaboard lifestyle regarding sewage, gray water, bilge water, trash, oils, paints, or shading from boats and docks. We would suggest you go after the guilty parties and not point the finger at the liveaboard boaters.

Regarding the matter of implementation of a percentage by the DNR or any other arm of Government to the marinas, for any suggested percentage of liveaboard boaters, it is our belief that this should be left up to the marina, as a part of their choice as to how they use the marina lands they lease from DNR, not another dictate from government. This infringes on private enterprise. Again, there are laws and guidelines already set up. Use these, but do not implement new and unnecessary ones.

There have been those who say liveaboard boaters do not pay taxes. Taxes for a 40 ft. \$100,000 vessel owned for ten years and moored at Shilshole Marina, totals for this period of time, \$18,222. All of this goes to the State of Washington and some of it returns as part of the local budgets as paid by the state. On a comparable rate for a \$100,000 piece of property in King County, owned for ten years, the total taxes are \$13,940 with roughly 35% going to the state, 25% to the city, 17% to local schools, 16% to the county and 7% to other entities. This adds up to the boater paying \$4282 more over 10 years... and, we pay our share of taxes along with those paid by the land lubber. A portion of the slip rent (12.84%) goes to the state as a leasehold tax that is in lieu of a property tax.

As regards public access, we are the public. Whether we live on board our vessel or not, does nothing to change access to the dock space in which we are moored, and in particular, most marinas are private marinas, behind locked gates with little or no access to the public anyway. The rates for our moorage space are already high enough. In my own particular space, we pay over \$500 per month to rent a hole in the water, 42 feet long and 14 feet wide, & pointed at both ends. Show me an apartment with this high of a rent factor.

With regards to hindrances to navigation, as an example, on Lake Union where we are moored, tour boats ply the waters all day and evening, while at the same time, float planes land and take off, and during this, as many as 100 boats or more are conducting sailboat races on the lake. Marinas and moorages are legally kept from expanding any further.

In summation, we in the liveaboard community are concerned about our environment and our lifestyle. We would ask the DNR to continue to allow the marinas to lease space to their moorage tenants as they so choose, and clearly establish, a permitted use of the State of Washington Aquatic Lands to be used for either liveaboard lifestyle or just moorage space, without any further laws or encumbrances to this long standing community lifestyle.

[Attached letter]

Following, written in conjunction with our lawyer and our executive committee are our TEN KEY POINTS... use them for ideas for your letters, and for help with your rebuttals in responding to those who may not be sympathetic to our cause. There are lots of reasons why DNR is wrong on this issue, these are the ten most compelling. Remember, we will be most effective with clarity, logic and consistency.

WE ARE LEGAL

1. The DNR is changing its prior practice regarding marina usage and should not be redefining

state law through lease negotiation. LAPS contends that mooring a boat is water-dependent, whether the owner uses it once a year or every day. Nothing in law contradicts that. If DNR wants to change the statutory definition of water-dependent and nonwater-dependent uses, by law it is required to go back to the legislature. DNR does not have the authority to bypass the legislature.

2. Liveaboard boaters in marinas are not squatters or trespassers. They pay moorage every month. Boats moored on DNR-leased property are billed a DNR fee. If DNR has disputes with the marina owner, it is not good public policy to use the state's power to settle the dispute on favorable financial terms to the marina owner so that DNR can promote an unrelated agenda. This creates the appearance that the state is favoring a large property owner at the expense of less powerful private citizens.
3. DNR's own regulations do not support its position. Note: WAC 332-30-139 "Anchorages suitable to both residential and transient use will be identified and established by the department in appropriate locations so as to provide additional moorage space." The law emphasizes the need for DNR to address this issue through a legislative proposal or, at a minimum through rule making. How can they justify demanding the elimination of liveaboards as contrary to state law when their own regulations encourage permitting of new piers "as needed" "for residential purposes" "without any restriction as to frequency"?

WE ADD VALUE

4. Liveaboards are the best stewards of the water, as they live where their boats are. They regularly have their holding tanks pumped out by professional pump-out services.
5. Marinas and non-liveaboard boatowners benefit from the security of having liveaboards in the marinas. They are the first line of defense against storms, fires, snow, vandalism, theft and pollution violations. How would DNR replace this free security presence?
6. If the liveaboard community is forced to disband, this exodus would end a Pacific Northwest tradition that dates back over 100 years that is part of the charm and appeal of our region.

DNR EVICTIONS ARE POOR PUBLIC POLICY

7. DNR points out that people mooring on public tidelands are using property that belongs to "all" of us. If this is indeed the case, "we the people" have the right to use the proper political processes, via elected officials or through state initiatives, to express our opinion on public moorage usage. We contend that DNR has no right to redefine state law and determine public policy through infrequent and seemingly arbitrary lease negotiations with marina owners.
8. DNR's reasoning that evictions will give the public greater access to state tidelands is completely erroneous. Private marinas are not accessible to the public now and would not become accessible if liveaboards were evicted. The public does, however reap the benefit of the \$5.2 million per year that DNR collects from moorage leases, as well as the possibility to someday enjoy the freedom to live aboard their boat if they choose to.

Further to the accessibility issue, it is only the people who are being asked to leave, the boats can stay in their slips. Liveaboards in marinas are not blocking anyone's access in any way.

9. Currently Washington is experiencing a housing crisis. Do we want to add thousands of liveaboards to this situation? The loss of the right to legally live aboard will wreak financial and emotional havoc on thousands of liveaboards across the state. The forced sale of these boats will significantly depress the state's boat market. It will have a devastating impact on large and small companies that serve the boating community. The marine trade industry contributes \$2.0 billion to the state's annual economy and employs close to 20,000 state residents.
10. The 200 members of the Northwest Yacht Brokers, 800 members of the Northwest Marine Trades Association, plus many Washington State Senators and Representatives are in favor of preserving the liveboard communities in our state and are against DNR's stand.

Letter #4

I am a commercial fisherman and boat builder that has lived on numerous boats both anchored out and at private docks in Eagle Harbor periodically for 25 years. I am also a member of the Bainbridge Is. Harbor Commission.

I recommend the following:

1. Amend the definition of water dependent use, RCW 79.90.465 to include under examples, "Boats, vessels, houseboats and floating homes whether used as a primary residence or not."
2. My understanding of the RCW's is that DNR has jurisdiction over mooring buoys but not anchored vessels. It should remain that way. Reasonable lease rates should apply to mooring buoys but no lease rates should apply to anchored vessels.
3. New construction of floating homes and houseboats that are not built and designed for, or are incapable of, regular self propulsion and navigation should be allowed only in urban areas where they can be permanently hooked into a sewer system. Existing floating homes and houseboats should be allowed to stay where they are whether anchored out or at a marina.
4. I encourage DNR to provide leases for mooring buoy "Clusters" at a reasonable, per buoy, set rate so that communities like Bainbridge Is. can install buoys if they choose to and manage their harbors as they see fit.

It is clear and obvious that boats, vessels, houseboats, and floating homes "Cannot logically exist in any location but on the water." By lumping all of them into a water dependent use and then charging one set rate for marina leases based on the formula you now use and one set rate for mooring buoy leases statewide with the possible reduction in cost for buoy clusters DNR's job is greatly simplified and still serves its purpose of managing the States Aquatic lands well.

Letter #5

PLEASE DEFINE OR ILLUSTRATE THE LOCATION OF "AQUATIC LANDS ACROSS TH

STATE” MANAGED BY THE DNR?

HOW DOES SUCH AQUATIC LAND RELATE TO PRIVATE WATERFRONT / SHORELINES PROPERTY?

ARE THESE AQUATIC LANDS BOTH SALT AND FRESH WATERS.

WILL THE LIVEABORDS BE LOCATED AT MOORAE FACILITIES WITH SANITARY AND UTILITY SERVICES – OR WILL THE BE “FREE FLOATING” OR ANCHORED OFFSHORE?

HOW DOES THE AUTHORITY OF THE DNR IN THIS ISSUE RELATE TO AUTHORITIES OF CITIES AND COUNTIES BORDERING ON AND/OR HAVING EXISTING JURISDICTION OVER THE WATERS IN QUESTIONS?

HOW WILL THIS RULE BE IMPACTED BY THE NATIONAL MARINE FISHERIES, ENDANGERED SPECIES ACT, THE 4D RULE, AND THE NEW WASHINGTON STATE DOE SHORELINE REGULATIONS WHICH ESTABLISHES UNHEARD OF SETBACKS FROM WATERFRONTS, CAUSING LANDED PROPERTY OWNERS RESTRICTED PROPERTY “RIGHTS” AND HARDSHIPS

Letter #6

I would like to make the following input to this process. I feel that state aquatic land should be open to the entire public. I believe as in the past and all through history a person should be to get in a boat and anchor where a safe harbor can be found this includes house boat and live aboard vessels. If they do not require any services there should be no charge to the vessel owner. The vessel should not be allowed dump sewage or other waste into the water or otherwise harm the environment. If up land property owner's do not like that a boat is in a bay to bad it is not their bay but the entire public's bay. Far too often land owners want vessels removed because they want their view and this is wrong. As a long time sailor it is historic to live on the water and while I currently do not I think it is my right to live on the water if I so choose and cause no harm to the environment.

Letter #7

Please note that liveaboards provide uncompensated security for marina facilities. Facilities that are occupied on a 7/24 basis directly benefit by the presence of liveaboards.

Most liveaboards are good stewards of the marine environment and are first to call attention to pollution or any activity harmful to that environment.

Letter #8

I do think there should be some restrictions on the number of liveaboards in Eagle Harbor, where they can moor, so others can navigate the harbor, and that they should be pumping their sewage not dumping it in the bay.

Letter #9

My wife and I currently reside aboard our 42' powerboat in Lake Union. This is the second vessel I have lived aboard in Washington State in private marinas that authorize live-aboard moorage.

With respect to WDNR decisions relating to "live-aboard" issues, I would like to provide the following comments for the public record:

1. Living aboard a vessel ("live-aboard") over state-owned aquatic lands should be defined as "water-dependent" use.
2. "Residential Use" should not be defined to include "living aboard" a vessel. It should be limited to fixed and or floating structures that are not vessels.
3. "Vessels" shall not include "floating homes" i.e. structures designed solely for human habitation (houses) which float and typically remain in a fixed location by some type of mooring device.
4. Live-aboards should be allowed over state-owned aquatic lands that are leased to moorage facility owners. "If you can moor your boat there, you can live there."
5. DNR should require all marinas to upgrade to the most modern technology available. Live-aboards are not the problem. The lack of services, failure to take advantage of new technology, and the failure to invest in the infrastructure is the problem. Every marina should have sewage and gray water removal/handling systems at each slip.
6. End the moratorium on new marina construction. Require new marinas, or any expansion of current marinas, to be "state of the art."
7. Require that all leases of state aquatic lands to private owners for the purpose of mooring vessels (i.e. moorage/marinas) include provisions that prohibit the regulation of activities relating to "living-aboard."
8. The State should not regulate discharges from "vessels" until all City and County sewer outfalls, storm drains, and combined sewer/storm drain outfalls are controlled and discharges are eliminated.

I appreciate the opportunity to comment on these issues.

Letter #10

Live-aboards should not be allowed to anchor in Eagle Harbor. They are usurping space that others need when visiting Bainbridge Island.

All floating residences should be required to moor at marinas with sewer connections.

This would accomplish two basic objectives. The harbor would not be as polluted and our tax burden would be shared more equally thru the rent they would pay.

Letter #11

I am writing with my concerns regarding the “Live Aboards” in Eagle Harbor. The Live Aboards must be regulated if they are allowed to remain in the harbor.

1. They must dispose of their waste in a proper manner. This disposal must be monitored by someone.
2. The live aboards should be located in designated, approved (by the city) areas in the harbor. They must be out of the way of traffic, and home owners docks and property.
3. They must maintain their boat or houseboat so as not to cause pollution or a poor appearance.
4. They must registrar with the city and pay appropriate taxes.

Letter #12

Types of residential uses to be allowed on state aquatic lands:

Water dependent uses should have priority over non-water dependent uses

All existing houseboats, barges, etc. should be allowed

Any vessel-self propelled-may be used as a live-aboard in the future

The management of live-aboard vessels and barges, etc. should be left up to individual marinas.

Laws are in place already-coast guard, Dept. of ecology, local law enforcement, etc. regarding the mis-use of public lands and should be enforced.

There is no need for further laws, rules or regulations.

Letter #13

1. Residential use of State owned lands falls into many categories: Marina Live-aboards, free anchoring in harbors of transient boats, and anchoring of long time residential uses. Marina live-aboards should be controlled by regulations requiring bathhouses and washrooms. Marinas already pay for encroachment on State-owned lands.
2. Harbors should be required to establish free passage zones so that access in and out of the harbors is assured. This means anchorages for live-aboards must be in designated areas, generally with attachments to fixed moorages. As a general rule, the State charges should be comparable to those for marinas. In addition the State must insist on local regulations and enforcement to satisfy stringent standards for waste disposal and sanitary conditions.
3. It is possible that some low-cost housing should be provided on the basis that it already exists, but this should be phased out as owners pass from the scene. In this case the State charges should be minimized. However, it is quite possible that elaborate homes might be proposed for anchorages, so that State charges would be wholly applicable.
4. I find it no more sensible to utilize harbors for low-cost housing than it would be to allow low-cost housing in designated Park and Forest areas.
5. In any event residential uses should not be allowed to interfere with navigation in and out of harbors.

Letter #14

1. Floating homes on barges or floats, live-aboards, and houseboats should

be defined as “resident vessels.”

2. “Resident vessels” should meet some standards of mobility, which would define it as a vessel.
3. All vessels used as a residence should meet standards of safety and waste disposal of the appropriate departments, which sets such standards.
4. All “resident vessels” should be in marinas and not anchored out. If the City wishes to create an area for “resident vessels” then it should build a marina connected to the land so as to be comparable to other local marinas in its jurisdiction.
5. The statute, “houseboats are water oriented uses, and thus treated as favored water dependent uses, if established by 1984,” should be reconsidered. I refer you to the statements made in 1997 by Tom Fitsimmons of D.O.E. and Alice Schisel from D.O.E. in 1998.
6. The local government and D.N.R. should be responsible for the legal liabilities of abandoned boats, sunken boats, oil pollution and accidents occurring because of substandard vessels which are allowed at buoys or in the City marina (if created).
7. Leasing standards or other proprietary management practices should be comparable to other marinas leasing from D.N.R.
8. “Resident vessels” cannot be used as affordable housing and subsidized by local government and private sources to exist in public waters.

D.N.R. has excellent regulations to protect public rights. They should be brave enough to insist that these regulations be enforced. If local governments are allowed to lease and change the regulations to fit their desire, then regulations and the regulator is for naught.

In Eagle Harbor, it is debatable that live-aboards, as they exist today, were ever a part of the scene. Fishermen and families could be anchored in the harbor for a short time but never for months and years.

The Clean Water Act or Public Law 92-500, Section 208, places the responsibility for developing and carrying out solutions for water pollution control with the state and local government. The “resident vessels” in our harbor are polluting the water, as seen by citizens, and continue to have this freedom.

Letter #15

LIVE-ABOARDS?

Harbor areas are public spaces and should not be given to a few who wish to live on water. All live-aboard vessels should be in marinas.

Live-aboards, floating barges, and floating homes are not water dependent and should not be allowed to anchor out and live in our harbors.

If you agree with these statements or have thoughts of your own on this subject please use the blue sheet to make your wishes known to the Washington State Department of Natural Resources.

[Attached letter]

The numbers are growing and there is found to be pollution.
I agree

Letter #16

I have enclosed a letter I wrote to State Representative [person] A little over a year ago. It is outdated but I feel that some of the historical background contained in the letter may be of interest to your better understanding of the situation here in Eagle Harbor. I have also enclosed a photo essay depicting the anchor out livaboard community of Eagle Harbor. It was put together in 1997, greatly outdated. Many of the people shown have moved on while new ones have moved in but it still provides a feeling for who and what makes up our community. There were about 25 anchor out liveaboard boats at that time. Now there are only 18. I ask that you return the photo essay at your convenience to myself or [person].

Thank you for allowing me the opportunity to offer my insights and recommendations. They are clear and simple. I encourage you to consider them.

[The photo essay is on file at DNR.]

Letter #17

As a resident of Bainbridge Island, I believe the time has come to institute regulations that will govern living conditions of the so called "Live - Aboard's" that reside in our community (on public waters). While the Live-Aboards are part of our eclectic community and should continue as such, some abuse of common sense rules is tarnishing the overall image of Live-Aboards, particularly with regards to:

- A) Environmental concerns/ Pollution
- B) Lack of fair share contribution in local taxes
- C) Navigation hazards/ safety issues.

The application of state rules, enforced by the Coast Guard and local police authorities, should allow for a healthy, safe and fair maintenance of the Live-Aboard community and restrain current abuse.

Letter #18

We attend the DNR June 20th 2001 meeting in Mount Vernon, Wa on "Rules for Residential Uses"

At the present time we have in La Conner "Industrial Use" on the south end of La Conner's main down town is "Historic with old buildings" and on the North end is the "Port which is also Industrial".

1) For over 25 years the south end "Industrial" has tried to stay alive financially without much luck of leasing out to industries because we are too far off I-5 and no train services. This area historically abuts residential which includes some homes inside the industrial zone and at the present time big trucks haul lumber in and out at a high noise factor for that area.

2) The downtown historical area has been allowed one residence in each building until DNR cut that factor down and out on the leased area of the waterfront. Having residential in that area has been a safety factor against theft and fire which the sheriff's dept. was happy about just recently. Many shops including gift shops, restaurants, and beauty shops were broken into, robbed and vandalized within the last month. A waterfront resident heard a broken glass noise and called 911, 6 young men were caught that night. At one time from our second floor apt. we saw a fire started by an arsonist in the [restaurant] which is located in the middle of wall to wall buildings. If it had been discovered a few minutes later we could have lost 2/3 of La Conner.

3) The north end industrial and marina area of La Conner has Live-Aboards on boats. The land entrance to boats is gated and locked but by water the marina is wide open to boating traffic. Live-Aboards are an advantage against fire and theft as well as providing reasonable living expense for low income persons.

We have very limited housing in La Conner and what is there costs a premium price for any rental or saleable living unit. In theory political controlling groups who run the town and own homes in the town possibly like not allowing more housing. La Conner has been divided by such groups for almost 30 years. At the meeting some people were trying to limit the amount of Live-Aboards but the group represented "Big Marina's" total live-aboard marinas and our Pier 7 called a marina with only 6 spaces. Then this 10% factor came up that wouldn't work for our 6 spaces. A property owner should have something to say about his own property, called "Property Right's". It seems that "Property Right's" in this country of "Freedoms" are becoming the "Endangered Species" Along with the spotted owl.

Letter #19

We attend the DNR June 20th 2001 meeting in Mount Vernon, Wa on "Rules for Residential Uses" 1972. We have never owned a home. There are others like us. To make living aboard so difficult as to be impractical would be the equivalent of evicting us from our home.

A second key element is that there is no apparent widespread public uproar over the issue of people living on boats. In my day to day life since moving aboard 30 years ago I have never had anyone I have met or know say they saw anything wrong with people living on boats. Every time this issue has come up it has been raised not by the general public but by some small special interest group determined to impose it's will on impotent group of people (those who live aboard). I have in the past and continue to be at a loss to understand what motivates these people to bring such grief to others. The bottom line is that the general public is not clamoring for a "crackdown" on people who live on boats, so our government agencies should find more crucial issues to focus on. Prior to Belcher making a big fuss over this issue there was no particular problem to be dealt with. Thus I don't see why things can't simply be allowed to return to the way they were before (with a few clarifications in sewage disposal). If her posturing results in DNR establishing a canon of complex rules and regulations she will have "won". I hope you will recognize this fact as you deal with the situation. Until she "manufactured" a crisis there was none, thus a complex response is not warranted. If there are specific real problems associated

with people living on boats, clearly identify and document them and those specific problems don't create a new and unnecessary morass of regulation.

Please steer clear of creating different classes of people who live aboard their boats. Whatever criteria that are set should apply equally to everyone. A person living aboard while anchored out should not be treated differently than those living aboard in a marina. The question of boats anchored out interfering with navigation is a Coast Guard issue, not a DNR issue.

Please beware of allowing wealthy and influential waterfront landowners to have greater influence on your deliberations than other members of the public. When they purchased their land they knew that the aquatic lands that abutted their property was public land. Their desire is irrelevant to this discussion. Their desire not to have their views "marred" by anchored vessels is irrelevant to this discussion. Their opinions regarding use of public lands should be given no more nor less weight than that of any other member of the public. I can only identify two issues that the DNR might want to clarify through new regulations.

- 1) A method to verify that raw sewage (blackwater) is not being dumped over board.
- 2) Clarification of "public nuisance" issues related to people living on boats (such as noise, garbage disposal, etc.) such regulations should be no more stringent than those applying to people living in houses on shore.

Letter #20

Live aboards belong in Marina, not in navigable waterways. Clean out our harbors and waterways of illegal squatters. DNR needs an enforcement arm. DNR must be able to enforce these laws. No house barges and houseboats taking up space for boats in marinas. Live aboards are ok in marinas. Do not blanket grandfather illegal houseboats in marinas.

Letter #21

There are several points I wish to make regarding the Residential Uses of State Owned Aquatic Lands. These include the following:

- The residence of Bainbridge Island makes contributions to the community through volunteerism, support of non-profit organizations, and property taxes. Thus, we give support to the schools, institutions and infrastructures. Do the aquatic residence pay taxes?
- The residence of Bainbridge Island appreciates their harbors and seeks to make them as accessible to the public as state-owned parks. Naturally, these waters would have the same regulatory standards as the parks. Is it true that persons cannot establish residency in state-owned parks?
- I have heard that one of the arguments for allowing persons to establish residency on the water is that it has always been part of Bainbridge Island's history. Reviewing the issues associated with managing State and/or National Parks, you will find that many of the early traditions associated with these parks have been radically changed, because a great deal of damage has been done by seemingly harmless acts.
- Unless a boat is secured to a dock, outfitted with the proper sanitation, and paying for the privilege of establishing a full time residence, it should not be allowed to free range on public waters. Please advise as to the State's present position on Residential Uses of State-Owned Aquatic Lands. In other words, can people presently establish long-term stays by just dropping anchor, or by constructing walled house-like structures on public water?

Letter #22

I do want to continue residential use of state owned aquatic lands. I also want DNR to have rules in place with regard to building codes, sewage disposal, electrical installations. I want the DNR to enforce these rules also. Too many current Lessee's are trashing the environment.

Letter #23

Live aboards belong in marinas. We live in Eagle Harbor and our harbor is choked by illegal long term anchoring. Do not legalize this use of our public lands. Please change the laws so that this practice of long term anchoring is illegal on state owned bedlands. This should include the boats that are not lived on. We have people who only live on their anchored out boats on weekends or during summer and they consider themselves live aboards as well/ Public access to public lands is paramount and live aboards outside of marinas block public access.

Letter #24

1) 99% of boat live aboards are above average in concerns about the environment, especially the waterways as they are our "front yards"

a) as the Live aboards I am around and myself remove tons, for fact, of trash from the water every year.

b) Live aboards are the "watch dogs" – security system in the marinas we are moored.

c) Being a live aboard is actually about 10-15% more expensive then owning and living in an average sized home (2,000 + sqft) this is documented by my wife in comparing our residential budget against our living aboard (1st and 2nd years)

2) In question of the A-B-C above the DNR should encourage marina owners and management that live aboard penalty or assessments be discontinued and even regular moorage rates for residential boaters be adjusted down in return for their stewardship of the waterways and harbors.

3) What constitutes a "Boat" for residential purposes a) means of propulsion; power, sail or even oars. b) must have cooking, sanitation facilities and sleeping quarters> according to R7R's of US Coast Guard, IRS and legal municipality> holding tanks etc. and must be yearly licensed fees paid.

4) In the workshop there were a few who had their own agenda to griud ([marina] & condos) which was in my mind, totally irrelevant to what the purpose of the meeting. I appreciate the restraint the DNR staff displayed in moderating the workshop.

Letter #25

WDNR must relax the allowed number of marinas. Currently marina lease holders maintain "King: status. Lease holders need to pay "full" cost of maintaining state owned aquatic lands permit systems.

Marina owners who with prejudice evict grandfathered floating homes need to have their leases with DNR revoked. Currently have attorney looking at attached litigation because of eviction of grandfathered home. These are the issues regarding appropriate management standards for residential use. The legislature "1984" intended grandfathered homes be protected. Current WDNR leases do not reflect that protection.

Letter #26

I believe Bainbridge Island has conscientiously addressed its responsibility to provide public facilities for the use of the community. If there is an area where it has been delinquent in this

obligation, I believe it is the preserving and development aquatic activities. We have addressed the need to void Eagle Harbor of the many derelict boats anchored there too long. There is an even greater obligation to clear the harbor of the “liveaboards”, anchored at a long tether, as they monopolize and pollute. It is past time to acknowledge the illegitimate declared right of a few at the expense of the development of the harbor for many. The problems their invasion present are not unlike those presented by those who chose to live in cars, park and other public places, depositing their rubbish and excrements inappropriately. Our harbor should be returned for the pleasure of many for short term visitants and various water activities for our community.

Letter #27

State owned aquatic lands such as harbors should be mandated as property for equal use and enjoyment for all people, like a state park. When and if the state allows individuals or groups to station a floating structure for residential use, whether it's a live-aboard vessel or houseboat, in a public harbor permanently then a situation which is better for a few and worse for most others is created. General public enjoyment of the harbor is decreased in the following ways:

1. The harbor can become cluttered and difficult to navigate for visiting boats.
2. Small sail boats such as lasers and windsurfers can not operate well.
3. Noise pollution increases as live-aboards and their visitors continuously use their vessel.
4. Restrooms and docks for dingys intended for public use become over inundated with private use by live-aboards so that it is difficult for the public use.

Please do not allow the current situation to continue.

Letter #28

We have lived on land adjoining Eagle Harbor since 1931, at that time we didn't have a live-aboard like today. The harbor is now infested with them. Do they pay taxes? “No” Do they pollute harbor? “Yes” I have yet to see a live-aboard or a marina live-aboard have their boat pumped so it must be going into the harbor. If we did this on our property health dept. would shut us down. What's fair for us is fair for them. When we had commercial fishing boats mooring here in the “Off” season they would tie up at a dock and owners would live on land not on boats as some people have stated. It is too bad that live-aboards think they can anchor where ever they land.

Letter #29

I have owned boats moored at [marina] and Eagle Harbor since 1972 and have lived aboard for the past two years. During this time I have found the people living aboard to be conscious of the environment and more than willing to comply with the current rules regarding water quality. My observations are (naturally, since I live aboard) that this life style adds to the value and safety of the marinas. Most of ,my live aboard neighbors are employed, middle class citizens involved and active in the community. We are not the characters that inhabit colorful novels.

This is a complex issue and I am glad that people are monitoring the environment.

Letter #30

Residential use should be limited to dock side/marina use with adequate on site pump out facilities. Those moored to a marina can be a “house” boat or a legitimate vessel – but enforcement of the use of the sewage pump out should be mandatory.

Laundry aboard the boats should be disallowed.

Harbors should be limited to navigation channels and fixed mooring for a limited number of boats – owned by the waterfront landowners.

Letter #31

I have followed the issue of live-aboards on Eagle Harbor, Bainbridge Island for many years. I am astounded that the DNR has allowed this to remain an issue for this long when current law has clearly stipulated the rules, contrary to present practice. “Houseboats (or floating homes) are not permitted in harbor areas.” (WAC 332-30-109) This is crystal clear. Why does any controversy still persist?

Legitimate users of state non-aquatic lands would not let a similar situation persist. I urge you to enforce current state laws for arguably more delicate aquatic areas.

Letter #32

I don't approve of long term leases for liveaboards over aquatic lands. I believe the state owned aquatic lands should be treated in the same way that parks are treated. Liveaboards do not support the services they benefit from under current regulations. I would favor a limited mooring period for liveaboards and fees that reflected the real costs of providing mooring buoys, pump outs, garbage collection etc. Also there should be some way of recognizing the cost of schooling when young children are involved – if the mooring period were to be long.

In my view, liveaboards should be confined to marinas.

Letter #33

I would hope that Eagle Harbor will continue to be a beautiful place for boaters (and land lubbers) to enjoy their access to the water. Though it's a relatively small harbor for ferries, park dept sailing and kayak classes, etc – as well as transient moorage. It's disappointing to see so many using “permanent” moorage – (how are they disposing of their waste?) in a limited area. Lets have some regulations and enforce them. Allowing worthy, caring “water residents” to continue their stay, but to be responsible citizens of Bainbridge Island.

Letter #34

Please! No “Anchor-Out” live aboards in any waters of Washington, especially Eagle Harbor. It has been against the law. The regulations are in place forbidding living on a boat with no sewage tanks. Eagle Harbor, Bainbridge Island is full of feces from the “Live Aboards.”

Please again – rule against them!

Letter #35

1. Live aboards should be in marinas where there are pump out stations available.
2. Where else are people allowed to live on public lands for free and have government try to make their lives better.
3. For twenty years, I have watched this harbor become less and less navigable, and less usable for all of the people. This harbor supports weekend visitors, sailing classes, kayaking groups and tour groups. This is the proper use of public land, not free housing.

Letter #36

I'm a liveaboard. I live in a local marina. The marina I live in does not have sewage facilities as these are not available in the rural environment. I have a CG approved overboard discharge system (Mansfield TDX). I have involved at the staff level in local urban planning and local shoreline master program development. I formally participate in marine policy issues at the county level.

I'm not sure I believe that this is a proper subject for rule making. Clearing up the applicable definitional deficiencies of the RCW is properly a legislative function. Particularly the subject of where these rules might apply. To regulate liveaboards who navigate and are anchored out is entirely different.

In the interest of the equality, if the subject is impacts to the environment, urban or rural, then let us address impacts directly. By this 'I mean that if human occupation of vessels in the aquatic environment is the impact that must be addressed then any vessel continuously inhabited by humans, be they crew or owners, must be addressed. That list probably includes some unintended vessels such as Coast Guard, large private yachts, and the Washington State Ferry. My proposed revision of the list of water dependent uses is intentionally narrow and does not attempt to solve the myriad problems associated with defining "liveaboards". It only applies to active boaters who happen to also live aboard.

Please note that San Juan County is a destination for boaters. The sort of language that has been effective in reducing or eliminating liveaboard population in other portions of the county would directly apply to our summer cruising crowd.

As a liveaboard boater who puts on app 5 times the engine hours of the average Puget Sound boater I am very focused on preserving the quality of my playground..... the waters and nearshore uplands of Puget Sound and points north. I support things like Marine Protected Areas, accessible pump out stations, and overboard discharge management. I am interested in maintaining my lifestyle, which I have worked long and hard to achieve, and I am interested in being part of the solution.

Letter #37

Thank you for the opportunity to provide input into the State's rule making process.

I am a resident of Bainbridge Island and a frequent user of Eagle Harbor. I have observed the steady increase of anchored boats in Eagle Harbor since 1957. The progress of the clutter is accelerating and I applaud the DNR's interest in bringing order to the chaos.

The issue of residential use has added an element of emotion to the discourse which threatens to hide what I believe to be the real, underlying issue. That is the demand for cheap and convenient moorage. Whether people reside on the vessel in question or just store them has little to do with how DNR should manage the people's land.

DNR regulations for boats in marinas do not need to address the issue of residential use, assuming that leases for marina use always require the lease holder to abide by the local government's laws for handling sewage, garbage and the like. The poor water circulation between marina floats, peer pressure from other occupants of the marina, and marina management all work together to keep residents of the marinas from dumping sewage and garbage into the water. Shading of the bottom and other fisheries issues are the same whether boats in marinas are occupied as residences or not.

Things floating out in the middle of harbors, like Bainbridge Island's anchor-out liveaboards, represent a completely different regulatory challenge. Official Bainbridge Island history notwithstanding, there has been no hundred year old occupancy of the middle of Eagle Harbor by

vessels of any kind, residences or not. Historical photographs bear this out. The middle of the harbor began to fill the [marina] and later the Winslow city dock became available for dinghy access to the anchored boats. Previous to this, all access required permission from some upland property owner.

Current practice for locating permanently anchored boats in Eagle Harbor is to place each new boat in a spot that is farthest removed from all other boats previously anchored there. From the boat owner's standpoint, this maximum spacing requires the least amount of monitoring to make sure something is not wrong with the mooring. This creates a random pattern with maximum disruption of navigation, a very undesirable condition if the harbor is to have multiple uses. New boats and buoys appear without any consultation with other harbor users.

Anchor-out liveaboards are little different from unoccupied boats with regard to obstruction of other harbor uses. They do put more pressure on the environment, however. The tidal currents sweep by regularly, unlike in marinas. So dumping waste overboard has no apparent negative side. I watch the couple living on a sailboat anchored in front of my house dump their dishwater overboard every day. The small amount of sewage that liveaboards dump is not as lasting a problem as the plastic garbage that falls off or blows off into the water. Full floating garbage bags are common in the stormy winter months. The logistics of hauling garbage ashore makes a high probability that some will escape.

All vessels anchored permanently on DNR managed lands require regulation beyond what is in place today. Something more than landlord-tenant relationship is required because owners of these vessels do not recognize DNR as a landlord. Their history is not one of approaching the DNR requesting leases; they just put in their mooring and stay for years. Many of these vessel owners have so few assets that civil action to force compliance would be futile. The DNR must team with local governments to gain some enforcement power. To this end, DNR must rewrite their regulations to compensate local governments for enforcement services.

For regulatory purposes, the act of permanent anchorage will need to be defined. I suggest that include both a time limit and a physical action which overrides the time limit, 90 days in any 360 days seems reasonable. The physical action is the placement of a buoy or any other anchor in the location of the anchorage. When a boat leaves a dinghy attached to the anchor when departing for a short time, this should be considered to be a marker as well.

Leases for permanent anchorage should require a level of seaworthiness of the vessels involved so that there is no risk of these vessels falling apart or sinking if they must be moved in an emergency. Drydocking at reasonable intervals, such as every 3 years, should be required. At similar intervals, the mooring hardware should be pulled up and inspected or load tested and inspected by a diver if it is not pulled up. If the vessel is to be a residence, the owner must present a credible plan for waste disposal which does not rely on garbage receptacles and restrooms in public parks unless the agency running the park agrees in writing.

Permanently anchored vessels, whether live-aboards or not, in the middle of the harbors, take away the public waterways from those who would navigate and recreate in the otherwise open space. When granting leases in the middle of harbors, the DNR must show that the interest of the state is so compelling that the boat storage should take precedence over other uses.

Thank you for considering my comments.

Letter #38

My comments are short, but nonetheless, I would like to express my opinion on the messy situation in Eagle Harbor with the "liveaboard" population. I do not feel anyone, whether they

live on the land or on the water should have a right to a “free ride” so to speak, at the expense of other paying citizens. After all, when we use our space, facilities our town has too offer, we are all expected to contribute by taxation or donation to those additional desires taxes just do not cover. Why is it then, that these people have had more rights than us for many years, and the powers that be are just so afraid to confront this issue for fear of looking like they have no sentiment. Our Eagle Harbor is undergoing a massive clean up due to environmental done by the Creosote plant. Hopefully, this land will become a public park so residents of Bainbridge Island can enjoy this beautiful spot, at the opening of the harbor looking out across to Seattle. The live aboard population has so little regard for the pollution they have caused in the harbor, not to mention the eyesore of so many near derelict and unsafe boats. I could never imagine the allowance of such a disgrace to a harbor as lovely as Eagle Harbor could be, to be allowed in any other part of this country.

We live at the other end of Eagle Harbor, where the environmental are so extremely strict, that when a bulkhead for our small development was rebuilt several years ago, they didn’t even allow the materials to be trucked in, but barged in which caused an enormous additional cost to the project. We cannot even have a dock or boat launches.

Bottom line, these people should contribute to their own cleanup, then should be forced to tie up to a “paying” Marina, as everyone else does. If one can afford to live on a boat, then one should pay for the pleasure, just like we pay to live in our houses!!

Letter #39

[letter to Bainbridge Island City Council and Harbor Commission, copied to DNR]

Managing our harbors is a challenging task, and I commend you all for facing up to it. My wife and I own waterfront property on Eagle Harbor; we are also boaters, so we understand the many emotional perspectives stakeholders bring to this issue.

I encourage you to be resolute in your conviction that the uses of our harbors must be regulated and proactively managed. The absence of regulation created the impossible mess, and there is no alternative. The harbors are commons in the truest sense of that word. People have proven that they do not understand the concept by taking gross advantage of the situation. Like any common that is abused, it eventually becomes unusable by ALL.

My support of your action is an “all things considered” thing. I actually do not see the logic that suggests that certain citizens should be allowed to take residence on public property; to use public amenities without paying for those amenities. I know it is a practice that we’ve inherited from the past --- when there were fewer people and fewer live aboards. Then, it didn’t seem to so much of a problem. Now, it is. Eventually, I believe the practice will have to be eliminated entirely. In the meantime, you are on the right track. The harbor must be regulated; live aboards must be restricted in number, location and practice; required to pay for what is clearly a privilege, as well as their fair share for the city infrastructure they use --- public dock, waste disposal, schools, police and fire protection, etc. Their waste disposal practices should be strictly policed, and discharge limits enforced. Violators should be evicted. These requirements are only fair; otherwise, the practice should end now.

A recent Bremerton Sun article regarding liveaboard and DNR’s plan to hold a series of public meetings indicated that written comments should be sent you. I request that this letter be made part of the official record.

As you know, the City of Bainbridge Island is struggling with this issue. I recently commented on it in a letter that I am enclosing and incorporating as a part of my comment to DNR.

The one thing I would add here is in response to a statement by Secretary Sutherland, quoted in the Sun article: "This effort will ensure that those who live responsibly on their vessel in a marina can continue to enjoy this valued Northwest lifestyle." The point I want to make is that there are two distinctly different situations--- liveaboards whose boats are in marinas, and liveaboards whose boats are anchored out in bays. The marina liveaboards are generally not the problem (marinas have rules and controls that manage the situation. The real problem is the uncontrolled anchorage of liveaboards in the bays, and I urge DNR to understand the difference and approach the resolution of the issues accordingly. While there are some things that I do not like about the City's proposed approach, I support it overall because it will bring some order to what is currently a chaotic situation, and it will make the liveaboards shoulder a reasonable amount of civic responsibility. Their choice of lifestyle should not somehow relieve them of that! Respectfully,

Letter #39

I am writing this letter in response to the issues you have outlined regarding residential use of state-owned aquatic lands. These views do not convey the expressed opinions of our elected commissioner for the [port district].

1. **Definition of Residential Use:** I agree that a definition is needed and should differentiate between a casual use of a boat (weekend aboard), a live aboard boat and a house barge. This definition might include clarification on a vessel that is under contract or moorage agreement at a public or privately owned marina versus that drops anchor in bay or open waters. Length of stay may also be a consideration in the definition. The new definition should affirm that residential use, within legal parameters, is valid use of aquatic lands.

2. **Kinds of Residential Uses:** I would suggest that once the definitions are established, then specific types of uses be addressed. One approach may be to differentiate between boats, houseboats, floating apartments and condominiums. Consider a public hearing on the establishment of a zoning program where certain types of facilities are allowed in certain areas or under certain conditions. State registered marinas, both public and private, would fall under a type of category that would permit the operation of the program. Restrictions may be considered regarding the number of vessels per total slip inventory.

3. **Environmental Concerns:** In allowing live aboards and houseboats, marinas should be required to have appropriate pump out/dump stations. A no "black water" discharge policy should be applied and maintained. Rules need to be developed on the discharge of "gray water". All boat cleaning chemicals must be bio-degradable.

4. **Rental Rates:** I would support the efforts of the [boating association] in its efforts in working with staff of DNR to come up with an equitable formula for a rate structure. The current structure is based on upland values, and over the years, major discrepancies have developed with this system. The leasehold tax concept may be a good starting point for formulating a policy. A formula that includes gross revenues received from the vessels, as the basis, would appear to be a fairer approach.

5. **Leasing Standards:** Marinas and ports need some flexibility in the establishment of leasing standards and practices. It would be difficult for the DNR to develop leasing standards that would be universally applicable to all marina and port situations. Liveaboards do have a

positive impact on the current housing market. In some cases and in some areas, DNR may want to encourage water dependent uses.

Overall, I believe that liveaboards on the boats and houseboats is an appropriate use of state owned aquatic lands and that clarification of this use is needed for DNR staff to fairly administrate the program. Thank you for the opportunity to express our views on these very important land use issues.

Letter #40

To expand upon my remark at the May 24th public workshop I think the department efforts to define and regulate the uses we make of our boats is a intrusion into our personal freedoms, a unnecessary exercise in police power. And a waste of resources in short supply. The federal government already regulates where navigable vessels may moor and how they should operate under the commerce clause of the constitution and these laws preempt the State jurisdiction. This has to be the case otherwise each state would have a set of regulations affecting not only boats registered with that state but also other states and foreign countries. The resulting mass of conflicting and contradictory laws would freeze commerce and would be disastrous to our economy.

Recognizing the tide of governments control is ever expanding I would like the Department to draft it's live aboards rules with the view to allow the maximum freedom to live aboards consistent with good public stewardship. To the specific points raised in the Departments questions to the public I would suggest:

1. Define live aboards vessels as water-dependent. Common logic demands this. To argue that people could live elsewhere ignores the fact that many people have no other property besides their boats to live.
2. Residential uses prioritize first navigable vessels moored in marinas, then designated anchorage's, public and private buoys, and lastly harbors. Marinas are the best equipped to accommodate live aboards, the other locations in this order are less satisfactory from esthetic, historic, ecological, and navigable standpoints, but shouldn't be restricted as local jurisdictions can adapt to their concerns.
3. Don't limit the marinas capacity for live aboards. The modern marina is far different from the old. New construction techniques, materials and the stupendous regulatory maze marinas are built under and exist with assure market forces are the only controls needed of there capacity for accommodating live aboards.
4. Make whatever limitations you adopt uniform state wide. Existing regulations on the local level already adjust for local conditions and reflect local concerns. Uniform regulations at the state level mean consistency, predictability, and simplify enforcement.

On the more detailed and particular questions poised to the public I would suggest:

1. Environmental considerations are already addressed by the Federal Government, local governments, and marinas. Stringent regulations prohibit discharge of pollution. Marinas and their tenants largely have regulations in place detailing how waste is to be controlled and these agreements shouldn't be interfered with. Shilshole marinas best management practices are an excellent example of local regulation which works.
2. The issue of the publics use and access of the shoreline is logically flawed. The publics access and use is not impacted by live aboards. Were all live aboards to leave their boats the boats would still remain. The public would have no greater access than they did before. The logic of this is so self evident one has to wonder how the argument arose in the first place.

3. The question of the affect live aboards have on navigation is answered by the regulations the federal government have over vessel movement found in the COLREGS. No further interference by the state is needed or could be allowed under federal law.

4. Legal liability is assumed by the marinas and the individual boat owners. A complex and complete system of responsibility is already in place largely led by the insurance requirements of the parties affected. State interference would only upset a thorough existing system of controls.

5. The lease the state holds with the individual marina should favor the water-dependent live aboards. The live aboards provide a valuable service to the marina and by extension to the public at large and yet usually pay extra just for the privilege of living aboard. They are the first alert to pollution, fire, property damage, accidents, and injuries. The marina would pay dearly and suffer enormously if the live aboards didn't exist and their contribution should be awarded.

6. Enforcement of any regulations adopted should be left in the hands of the individual marinas under broad general guidelines adaptable to local conditions. Enforcement outside the marinas can also be handled by local jurisdictions as they understand the local situation and are responsive to the citizens affected.

In conclusion Mr. Sutherland I applaud you for giving your attention to the live aboards issue and listening to the public, unlike your predecessor. Philosophically I am opposed to limitations on an individuals freedom to choose how and where they will live. Recognizing the complexity of the world we live in I would still urge the minimum of controls necessary to achieve our mutual goals. The live aboard community is not ignorant of the need to protect the publics legacy and will act responsibly in there own long and short term best interest. What government has so often forgotten is that the people are the final arbiters of their future and government most often serves them best by getting out of their way. Thank you for your consideration.

Letter #41

From concerned resident Bainbridge Island short of being able to attend and learn more through interaction with pothers which I would prefer over trying to express through writing from this disconnected place at my desk at home. I will try to make a few points that are of interest and importance – the local discussions sponsored by the city of BI leaves much to be desired as the format is not conducive to the open shairing and understanding of ideas I fear it's a process driven by political ambition and personal selfish whim. In principle I support the concern over the water but In no way do I agree that the city's position that it belongs to them to do with as they please – the powers of the city stop at the city limits and in no way do they extend out to the middle of Puget Sound the citizenery of the state deserve more respect than the local position offers many of the discussions fall short of harming a respect or understanding for the larger issues of importance and never approach even coming close to the smaller ones that tell the truth behind the issues and ourselves. It should never be turned over or leased to the city they do not have the constitutional will moral fabric or the depth of understanding required to manage what is a national treasure. I believe there behaviour to date demonstrates more how not to behave and proceed nore do they have a mandate from the citizenery of the Island – Eagle Harbor is a beautiful place it gives me a real headache to listen to people and the city run it down and otherwise blame the boaters and the state for being irresponsible when the state does and has managed the waters/ there is no reasion to become confused between the bottom and the top of this water the idea that living on your boat is not a water dependent use has been kicked around a lot this kind of mental manipulation serves no practical or functional use. Its an attempt to

distort reality and minupulate what should be concern into sompthing else. By those who haven't a clue about what they are supposed to be doing using there positions and jobs to disorder and confuse the issues for the purpus of political controlits a sad testement to just how bad and pathetic people in government positions can become. – those who set aside the public lands and waters were not fools thay took the high road and the long view at great persional sacrafico to fall apart and renig on our responsibilities to protect and defend the sanctity of this resource would be a crime and real shame to ourselves we can and must do better. –This next issue is more difficult to explain yet it is quite simple and yet the state appears to have the habit of missing the point that is of people who try to live simply these are good people and should not be discrimated against in a negative way I will use myself as an example I ride a bicycle I do notdrive or own a car so when I travel I use the state or federal public lands/parks as a place to spend the night as I do not travel in the dark of the night and I use them a lot as I usually only ride 30/50 60/70 miles a daymost parks have what is refered to as a bike camp site usually 5/6 places off in the brush or shade away from the best places in the park all of which are for cars and RV's its great I get a special rate as a bycyclist but it's an insult and a negative form of discrimination that I canot enjoy all the rest of the park camp sites because I am on a bicycle this is true all through the state priority is given first to cars and RV's so is most of the park in some cases I might be allowed to camp in these places if I were willing or able to pay as if I were a car or RV but I am not and will not pay for sompthing I am not I am proud of the fact of who and what I am it disturbes and discusts me that in most if not all public lands managed by the state and federal government/ choose not to respect who and what I am I believe I have the right and deserve access to whatever camp sites are available as fit my needs / example foy Banbride on the north end of the island it's a no joke all the camp site are down on just above the beach except if you ride a bike well sorry you must set up camp up on the hill separate and away from the rest of the park and services to bad if like you the water and morning sun that is for those who drive a car or RV and can pay more – some how every body misses the point and thay throuout equal rights the idea that there are places within the park / public lands that I donot deserve to use disturbes me as I believe it should were the people in charge able to comprehend just what I am trying to say here thingz would change it must be political preasure that drives those in charge to minimize and marginalize those on the lower end of the economics scale when in fact my values are more in keeping with the preservation of the resource we all seek to enjoy the rich did not create the world nore do they own it now but they sure do bully there way around I guess what I am trying to say is do not make the same types of mistakes on the water they are to hard to change and the damage to society is to hard to reserve – I understand sompthing about the use of public lands / water and the management practices of the state and believe as good as they are they also leave much to be desired. Ive spent most of the day trying to write this letter and have a lot more to say but my time is vouable and my ability to writ is limited so for now I will have to accept this as the best I can do hope this is not a waste of your or my time it means what it says and the story behind people I believe is important and the ability to listen and think is critical so I ask that you also take your time and give carefull consideration before you act and when you do act do it in a way that shows respect and understanding and provides the framework for leadership to follow we have a lot more to learn than we know about ourselves / the water is for more than a play ground for the rich and powerfull. I would like to stay informed of your progress.

[Person] asked me for a copy of my May 15th presentation to the Harbor Commission. This is a preface to that talk to help your understanding.

I didn't come to Eagle Harbor just as a place to live on my boat. I came to recuperate and then finish my 45ft tugboat so I could go back to Alaska and beachcomb logs for the sawmill in Petersburg as I had done in the past with my previous boat, a 30ft troller. I came to Eagle Harbor in January of 1983 from Riverside Marina on the Duwamish River. There was another marina adjoining it by more log floats called Pioneer Marine Yard. The two marinas had 90 boats each. I hand sawed drift logs on the beach to sell for firewood to pay my moorage and I also helped repair boats that hauled out on the 50ft elevator at Riverside Marina. I had been around there off and on since 1958 when my parents and sister and I launched our first gillnet boat there; a Bristol Bay sailing, centerboard hull that we converted. Riverside was a special place, a time capsule at least 50years in the past. Boats were sidetracked on rollers and pulled by two comealongs, the moorage was on well made log floats, and there was an area going back to nature of beach, mud bank, and beach grass amid pile stubs remaining from a World War I shipyard that helped wildlife to coexist between the two marinas.

The boats in the marinas didn't have to travel anywhere to haul out, they could all be taken care of right there with either the derrick for up to 30ft boats or the elevator for up to 50ft boats.

There was a woodshop in the marina building and a machine shop on a small barge high and dry on a grid next door. There was a diversity of ages and experience and the younger boat owners were eager to learn. It was a do it yourself yard. Advice was free and moorage, haul out, and dry storage were reasonable so people could putter along at their own speed and enjoy the process of maintaining their boat. The haul out facility was the nucleus that drew people together but also the character of the place inspired the feeling of a living museum.

In about 1979 the Port of Seattle forced the sale of these two marinas through condemnation to get the land to accommodate a Canadian Company that wanted to locate a limestone crushing plant somewhere along the Duwamish to manufacture plaster products. We, the boat owners took up a collection to preserve our country and way of life. In my mind what the Port did was unconstitutional. The arrogance of the Port "stepping on toes without regret" and the legal system bending to power rather than holding to principle, which is more important than life in my understanding, caused me so much anger and disappointment that I had continuous abdominal pain for three years after I came to Eagle Harbor. The freedom of living at anchor is somewhat of a relief. But I can't turn my back and be fully free because I see the way out of the unnecessary crime of using up the earth by a culture blindly playing the money game. That is the basis of my May 15th presentation, to lay out my perspective of lifestyle and motive for consideration in this ongoing game of civilization.

After the pages of my written presentation I have included a few of the many articles I have saved through the years to support my position.

Comments to Harbor Commission

I came across two words in my Webster's dictionary of 1938 that I decided to use for the basis of my comments. The first one is CANDID – honest; outspoken; sincere; free from undue bias; open; fair. The other one is POLICY – in reference to government is –management of public affairs; system of regulative measures.

To me, manage and regulate implies that government is coming from a position of superiority. I don't believe we need a body in that capacity. I believe that at the neighborhood level we can share ideas and work together to solve any problem over time. Evolution is forever. There is no rush. The hurrieder we go the behinder we get. Pushing nonsense rules will retard progress. Evolutionary progress has to be voluntary. Only suggestions that make good sense and based on

pure motive for the good of the whole forever will be considered. That depth of the truth will inspire voluntary participation.

The government can attempt to manage public affairs through regulations but that is pushing and doesn't make happy people.

It is much better if everyone is voluntarily pulling in the same general direction through inspiration.

The only way this can be successful in the long run is for the public to share the same overall goal and then have the freedom to exercise their intelligence and skill toward that goal in their own way. Imposed regulations retard this opportunity to practice.

Of course the goal might be debatable for a little while, but it will soon become obvious that it has to be a common thread to hold humanity and the environment together. I suggest care and respect for all of creation as the common goal.

The deep truth of these feelings will bring forth the awareness that our present culture, through its system of money making careers and consumption far beyond necessity, is only a game we are programmed into. As we become aware of the frivolous but brutal game called the Economy that we have been indoctrinated into, we can each individually, "fundamentally change the way we choose to live" (Duane Elgin) and thereby add another strand to the common thread.

If we grow and craft most of our basic needs we will build our abilities and gain: self confidence, intelligence, and compassion for all of the workings of nature including our fellow humans who are, we all are, in various stages of ignorance. We can't learn by force but we can share ideas and learn together. It's a better climb if we start at the bottom of the hill. We don't want to skip over any of the basic details. We want a solid foundation. This foundation of awareness grows with practice and inspires a respect for the whole that influences our lifestyles accordingly. This is sustainable.

We need to change the program of our culture from the focus on more to a reverence for less. All conservative lifestyles should be encouraged. Government services take away the need for self-reliance by the public. Fees increase the flow of money, which traces back to exploitation of resources. Therefore government services and fees should be gradually pared back each year to help the public develop the art of living which is the ability to provide one's basic needs out of care and respect for the whole. A lighter footprint. Government can be of the most help by contracting not expending. This is my candid view.

It seems fantastic that any one group is consciously able to assume to have the power to dictate how another group must live their lives simply by sitting on the other side of the table. I ask that you look beyond a few squeaky wheels to the big picture of what the culture of conformity is doing to the planet and then question your own involvement. You are attempting to organize everyone to fit your perspective.

It is our duty, all of us, to slow down the flow of money and not to be an accomplice to the crime against the earth. The crime of material extravagance, made possible by our own shortsighted cultural indoctrination, that money is the scorecard of success. There are more valid criteria for lifestyle than socio economic status. That is why we need diversity, to step out of the groove of conformity and see the nonsense from an unbiased perspective.

By living conservatively, anchored out, we are lightening our ecological footprint. The freedom from services makes life more meaningful. The proposed fees for proposed services we don't need, would, to me, be an unethical intrusion on the principles of my life. I will not compromise my principles to appease ignorance. The anchored liveboards, as a group, are a valuable

contribution of diversity to the larger community, as an example that the conventional cultural program of excess is irrelevant to real life.

A comment on government acting as a superior body: In theory government is supposed to represent the will of the majority and protect their interests, but in the case of the proposed bond issue for open spaces, as one example, the government is asking the public to put up the money to buy the open spaces the government failed to protect. The Comprehensive Plan created hurdles to control development but then the City helps developers over the hurdles; in reality violating the Comprehensive Plan. So why do we need them?

The money extracted from the public without a vote for the new City Hall could have been used for open space if the voters approved.

Why will the public be asked to vote on a bond for open space but was not allowed to vote on the new City Hall?

Government seems to like to control people, such as proposing to tell people where and how to anchor in navigable waters. On the other hand they control developers by guiding them over the hurdles of regulations intended to protect the land. And then go on to propose a sewerage plan that would help developers even more. The land continues to be carved up, the navigable water not at all.

It is human nature to see faults in others and make recommendations for their improvement. That must be why the mayor selected a commission of mostly people living on land to make recommendations for the use of the navigable waters around the Island. So it is that living on the water I have a perspective of how the land should be used.

All conservative lifestyles should be encouraged. Low conservative lifestyles should be encouraged. Low cost housing should not be provided, it should be allowed. The permit process is not affordable and the building code promotes extravagance. All homes should be owner built to suit their own needs based on the growing awareness of care and respect for the natural environment. The privilege of stewardship is reflected in a small home, a garden larger than the home surrounded by hedgerow thicket for birds and windbreaks, and everything possible recycled in compost piles. I believe that government policy should encourage self-reliance to flourish.

It doesn't make sense for government policy to hinder owner built homes and then subsidize developer built row homes. This system deprives people of the most meaningful experience of life, building their own shelter. The next step down the line is robot people, completely dependent on government services, not by choice but steered into that position by government policy. A case of trying to help but getting in the way, in my perspective.

I have heard a number of times that more regulations are inevitable. That will be true unless we stop writing them. I don't believe for a minute that more are necessary. Less would be better. Written laws are an expression of lack of trust. A need for regulations would indicate civilization is falling; but an imaginary need for regulations only indicates a need for a little education, a perspective adjustment.

We are talking tonight about a small local issue but I believe that if we look at the big picture and define the problem and solution, it will help resolve the local issue.

I don't mean to put blame on those who have worked hard to make a conventional success, because that is the American way. But I have a theory of how this way came about. From a early age a large measure of our indoctrination is toward achieving economic success. But the script is flawed. It was evolved by poor immigrants coming from Europe to this land of opportunity. They had the freedom to get as much as they were able. It was a backlash against poverty. A new

high standard of extravagant consumption has been created, the American way. This has been infecting the rest of the world's populations who are trying to catch up. This obviously unsustainable development of human evolution is being accelerated by technology. It has been more a matter of programming than need. Following the program blindly without being aware of the side effects to the rest of the creation is the problem. The solution is independent thinking people living conservatively out of care and respect for awareness. A peaceful revolution of intelligence within society.

There are no environmental, navigation, or safety problems in Eagle Harbor related to liveaboard boats. Derelict can be taken care of by liveaboards. Keeping space available for visiting boats to anchor is something to always be mindful of. The only issue that sticks with a few land people is lifestyle prejudice, which I believe is the result of indoctrination in the American way, that can only be resolved by gaining altruistic awareness.

I ask the Harbor Commission in the interest of advancing civilization to drop the proposed regulations of a non-issue.

Letter #43

Among the things you might consider with specific reference to residential use of vessels anchored or moored on state lands outside of established marinas are.,

- a. These people are residents of Washington State, entitled to use of state lands in common with all other residents.
- b. Any actual public expense in connection with anchored-out residential use will necessarily be local expense (public health, safety and education expenses, for example), suggesting that the local government should be the primary authority in determining charges to be made for such use.

Letter #44

Thank you for taking an interest in this issue. I currently am chair of the Bainbridge Island Harbor Commission, and know that my fellow commissioners support the general propositions of this letter. Nevertheless, I am writing as a private citizen. It is perhaps also worth noting that I have lived on the waterfront of Bainbridge Island for the past 24 years, and have in the past had anchored out liveaboard vessels in my own neighborhood.

I wrote to you on this issue during your campaign, and enclose a copy of that letter. It contains my argument supporting the proposition that it is legal to live aboard one's vessel under current law and regulations. Also enclosed is an earlier letter to Senator Betti Sheldon and Representative Phil Rockefeller, which contains a simple change in the existing law which would remove all need for interpretation of the existing law to understand that living aboard one's vessel is a permissible use.

As with the attachments, this letter is submitted in the belief that local communities and individual marina operators should be allowed to determine whether to allow vessels and other water-borne structures to be used for residential occupancy within their jurisdictions or facilities, so long as that occupancy is consistent with other applicable environmental, health and safety requirements. The Department of Natural Resources should strictly limit its regulations to those absolutely necessary to fulfill its stewardship obligations. It should not set itself up as the arbiter of local community needs, limitations and standards.

I have been involved in the development and implementation of a plan for managing the waters of Bainbridge Island for the past 6 years. During that time, I have become acquainted with a very

vocal, but very small, number of Bainbridge residents (primarily several waterfront property owners on the south shore of Eagle Harbor) who have dedicated themselves to the eradication of the anchored out liveaboard community in Eagle Harbor, presumably because they simply don't like to look at the interesting assortment of vessels on which these folks choose to live, These opponents to a balanced use of Eagle Harbor consistent with its historical use, and consistent with the wishes of the greater community, are very articulate, and I expect that they have your ear on these issues. I urge you to guide your Department in a direction that resolves this issue in a rational way, with the legitimate interests of all in mind.

1. Prevalence. From information we have gathered in our conversations with Ports and local governments around Puget Sound, there are relatively few places where there are identifiable, relatively long-term residents on anchored-out vessels. And where there is a group of such vessels, such as in Eagle Harbor on Bainbridge Island, the number of such residences is historically low and fairly constant. It would be a shame to create a state-wide regulatory structure to address a very local phenomenon.

2. Local control. Under the current regulatory scheme, local governments have the ability to prohibit residential use, should they so choose. DNR should not take any action that would impose an anchored-out liveaboard presence on a community that does not wish to have it.

3. Environmental impacts. Our research indicates that there is absolutely no evidence that anchored-out liveaboard vessels are an actual source of pollution. In Eagle Harbor on Bainbridge Island, for instance, the evidence is clear that non-point source pollution (presumably from run-off and from failed waterfront drain fields) is the problem. While compliance with environmental standards is critical, and while any local regulatory scheme must include an enforceable means of ensuring compliance, this should be done locally, and in the context that we are not correcting a problem, but simply ensuring that a problem does not appear in the future.

4. Aesthetics, The DNR *ad hoc* member of our Harbor Commission has suggested that the Anchoring and Mooring Plan we are developing for Eagle Harbor should address aesthetics. I suggest that while carefully crafted health and safety standards will result in an acceptable minimum standard that some might interpret in terms of aesthetics, trying to impose an aesthetic standard otherwise has no rational basis.

A planned residential development on the land can adopt aesthetic standards that apply to all residents. The color of houses can be controlled; mowing of lawns can be required; height of houses can be limited; and so on. But in that situation, the entire area is occupied by these residences. In a location like Eagle Harbor, only a small percentage of the use is for residential use. Otherwise, vessels come and go, either daily, or after a stay of a few days. Also, at least currently, there is use by a number of vessels, which are anchored more or less permanently, but are not occupied as residences. In this context imposition of a purely aesthetic standard will not only require someone to make the subjective decision as to what is the "acceptable look", but to survive a legal challenge such a standard will have to articulate a rational basis for discriminating between ugly boats that stay in one place, and ugly boats that move from place to place.

In sum, it is perfectly fine to require that a vessel be seaworthy by meeting certain objective standards. It is not fine to require that everyone agree that the boat is cute.

5. Economic considerations. If residential use outside established marinas is to be permitted, one question is what charge, if any, to make for such use. In answering this question, please remember:

c. Some communities, such as Bainbridge Island, value the presence of the anchored-out liveaboards as a unique element of a diverse community, and do not wish *de facto* to force them away by imposing moorage fees that impose a financial burden the residents cannot afford.

6. Enforcement. Unless DNR secures funding that allows it to take on the job, enforcement of DNR regulations regarding residential anchored-out use depends on the cooperation of local government. Cooperation of local government can only be expected if that cooperation does not impose a financial burden that the local government is unwilling to accept, and if any regulation is consistent with the wishes of the local community.

Conclusion.

Historically, an anchored-out liveaboard presence has existed here and there in Puget Sound where the local shore-side community accepted such use. This limited use has largely been self-regulating, and has not been a source of any general problem. DNR should resist the temptation to impose regulatory requirements that are not needed and may be enforceable.

The Bainbridge Island Harbor Commission hopes to work cooperatively with DNR to develop a community-based plan which will be a workable model for accommodating the liveaboards and addressing the myriad other issues that are important to the long-term, management of our limited aquatic resources.

Please let me know if there is any way in which we can help you with your job.

Letter #45

[Letter to Senator Betti L. Sheldon and Representative Phil Rockefeller, copied to DNR]

Thank you for taking the time to meet with a number of us who are interested in preserving the liveaboard community on Bainbridge Island. Although I currently am chair of the Bainbridge Island Harbor Commission, and know that my fellow Commissioners support the general proposition of this memorandum, I am nevertheless writing in my capacity as a private citizen. This memorandum is submitted in the belief that local communities and individual marina operators should be allowed to determine whether to allow vessels and other water-borne structures to be used for residential occupancy within their jurisdictions or facilities, so long as that occupancy is consistent with other applicable environmental, health and safety requirements. The foregoing could be accomplished by revision of R.C.W. 79.90.465 as *follows*:

(1) "Water-dependent use" means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to, water-borne commerce, terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water-dependent uses; watercraft construction, repair, and maintenance-, moorage and launching facilities; aquaculture; log booming; public fishing piers and parks; and, residential occupancy of a vessel or other water-borne structure otherwise legally anchored or moored.

(2) [strike the term "house boats" from this section.]

This revision is consistent with the fundamental definition of "water-dependent use" as a use which cannot logically exist in any location but on the water. It also has the effect of negating the artificial discrimination between otherwise legally situated vessels and other structures based solely on whether they are used for residential occupancy.

There are many other laws and regulations that apply to what generically are referred to as "liveaboards." Coast Guard and federal, state and local requirements govern issues of health, safety, and environmental impact. With that in mind, there is no readily apparent additional state-wide interest that necessitates the current DNR policy against liveaboards.

Please let me know if I can be of any further assistance.

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